

MINUTES

PUBLIC WORKS / PARKS & RECREATION COMMITTEE

September 14, 2016

A meeting of the Public Works / Parks & Recreation Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Ross Kagawa, Chair, at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, September 14, 2016, at 8:30 a.m., after which the following Members answered the call of the roll:

Honorable Mason K. Chock (*present at 8:32 a.m.*)
Honorable Arryl Kaneshiro
Honorable KipuKai Kuali'i (*present at 8:36 a.m.*)
Honorable JoAnn A. Yukimura
Honorable Ross Kagawa (*not present at 11:04 a.m.*)
Honorable Gary L. Hooser, Ex-Officio Member
Honorable Mel Rapozo, Ex-Officio Member

Minutes of the August 10, 2016 Public Works / Parks & Recreation Committee Meeting.

Upon motion duly made by Councilmember Kaneshiro, seconded by Councilmember Yukimura, and carried by a vote of 3:2 (*Councilmembers Chock and Kuali'i were excused*), the August 10, 2016 Public Works / Parks & Recreation Committee Meeting was approved.

Minutes of the August 24, 2016 Public Works / Parks & Recreation Committee Meeting.

Upon motion duly made by Councilmember Kaneshiro, seconded by Councilmember Yukimura, and carried by a vote of 3:2 (*Councilmembers Chock and Kuali'i were excused*), the August 24, 2016 Public Works / Parks & Recreation Committee Meeting was approved.

The Committee proceeded on its agenda items as follows:

Committee Chair Kagawa: I would like to take Bill No. 2635, relating to the Wailua Golf Course, out of order.

There being no objections, Bill No. 2635 was taken out of order.

Bill No. 2635

A BILL FOR AN ORDINANCE TO AMEND CHAPTER 19, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE WAILUA GOLF COURSE (This item was Deferred to the October 12, 2016 Public Works / Parks & Recreation Committee Meeting.)

(Councilmember Chock was noted as present.)

Councilmember Kaneshiro moved to approve Bill No. 2635, seconded by Councilmember Yukimura.

Committee Chair Kagawa: I am glad Councilmember Chock just stepped in...we are on Bill No. 2635, Councilmember Chock.

Councilmember Chock: Thank you.

Committee Chair Kagawa: We had many testimony strongly against any alcohol sale at any park because it is a public park and the impact it poses on the children, which is a slam dunk. That is not the case in this instance, which is the reason why this Bill was introduced. The fact of the matter is that there is a large sign posted. I said this on first reading. There is a large sign posted in front of the golf course that has been there probably for the past thirty (30) somewhat years. The fact of the matter is alcohol consumption happens on a daily basis, but I believe it is happening responsibly. I do not know of any incidents that have happened at Wailua Golf Course. For example, Bruce talks about crashing a car or Glenn talks about hitting someone with a ball because of alcohol. There has been none. What is the conclusion? The locals are the ones who will probably sneak alcohol onto the course and have one (1) or two (2) while they are playing. They are pretty responsible. That has to be the conclusion. There were zero (0) incidents. The reason why this Bill is before is the current vendor, Mr. Aguano, is struggling. We went through periods where there was no Pro Shop vendor or no restaurant vendor.

(Councilmember Hooser was noted as not present.)

Committee Chair Kagawa: There was no vendor to serve drinks or food after people played nine (9) holes. We went through that for two (2) years and we are trying to find what the differences were. I believe it was in 2012 and 2013. We hear during budget, "Oh man, the subsidy to the golfers, one million five hundred thousand dollars (\$1,500,000) for golfing." I think the local golfers and Kaua'i Golf Association (KGA) are concerned. They hear the comments during budget time, and they want to try and do whatever they can so that we do not end up raising fees to local players who believe the fees are fair. It was raised a couple of years ago from forty dollars (\$40) to sixty dollars (\$60) for a monthly card. We raised the daily rates for an average of five dollars (\$5) per player. We raised the Mainland rate about twenty dollars (\$20) per day. There have been changes two (2) or three (3) years ago. With the concessionaire now questioning whether he is going to continue doing it or whether he foresees another concessionaire in the future taking onto that place, we have had numerous people changing. We had one in place who was there maybe about five (5) years, then we had another person come in with a partner. They opened up about six (6) months and they were gone. They made a quick business decision that they were not going to make money. We did extensive renovations to the Wailua Golf Course concession area and restaurant. Millions of dollars were spent to put in grease straps and put in whatever utilities and upgrades that were needed to be made. It was a very old restaurant. We got a new concessionaire, the most recent one, and he is paying a small rent, but believe it or not, he is still losing money because it is very slow. I do not know what the key is, but he has brought this

suggestion that this perhaps could help to make him profitable or make the next one because he will not necessarily get it. It would have to go out to bid again because it is going to be a new venture. This is where it is at. It is not about providing drinks so people can get drunk in front of our kids.

(Councilmember Kuali'i was noted as present.)

Committee Chair Kagawa: If a statement like that is made, there is nothing further from the truth than something like that. People drink now. Whether you like it or not, that is what is happening. We do not have any enforcement out there, but I believe for the past thirty (30) or forty (40) years, we have the Superintendent, Baron, present. I believe it has been very responsible. Knock on wood. I hope it continues to be responsible because that is why it is continued. If it was irresponsible, we would probably send enforcement out there, right?

I believe this is just up or down. If you do not believe a concessionaire is important in the future, you do not believe the concerns he brings up are legitimate, that it could force us to have an empty restaurant concessionaire in the future, then vote it down. But, do not be surprised if it closes and we end up losing a lot of play. Then, the subsidy will get larger, and what are we going to do? Are we going to raise the rates on the local players again? What other sport breaks even that the County maintains the restrooms and the field? What other sport pays for the park services? Softball? Tennis? Surfing? Beachgoers? Campers? Campers pay five dollars (\$5) per permit. I do not think that is payment. Again, what other sport breaks even? Is a one million five hundred thousand dollar (\$1,500,000) too much? That is for us here to decide. It has been over one million dollars (\$1,000,000) for twenty (20) somewhat years. It has always been that way. It has always been a large subsidy, but I think that is why KGA is concerned. We raised the monthly rates two (2) years ago, and they are worried. If we do not listen to the vendor and keep a vendor there, it might get even worse. That is the reason why you introduce a bill. You try to solve the problem. This is not about trying to expose our youth to drinking at golf courses. It is not about that. If that statement is made, it is totally false. I am a serious golfer. I am not a good golfer, but I try my best. I do not drink on the course. I try to shoot the best score I can. I have been golfing for over thirty (30) years. There is nobody here I see on that course except Councilmember Kaneshiro once in a while. Councilmember Yukimura.

Councilmember Yukimura: I have a question.

Committee Chair Kagawa: Go ahead.

Councilmember Yukimura: How much money is this proposal expected to bring in?

Committee Chair Kagawa: We do not know.

Councilmember Yukimura: How much do other golf courses bring in for alcoholic beverages?

Committee Chair Kagawa: We do not know. I think it is an amenity that we hope will increase visitor play, which basically is the key ingredient to try and generate more revenue because their daily rate is higher than the *kama'aina* rate. In the afternoons it gets slow and if we had some of those amenities, the big question is, would those amenities significantly help revenues at the golf course? It could be used as an experiment. We could see if it has a positive impact after a year. If not, we can kill it or end it when the contract ends. I do not know how long the concessionaire for serving alcohol would be. It certainly could be looked at as an experiment. As the only golfer here, I take it somewhat personal when I constantly hear, "Well, we need to increase the fees." We raised it two (2) years ago from forty dollars (\$40) to sixty dollars (\$60). Everyone agrees we need to do is we need to maximize the empty times that the golf course has and people tell Baron that it is the most beautiful public course probably in the nation. The way the staff upkeeps and runs the golf course is unbelievable. With a facility that awesome, why is there so much empty time? The question is, are we maximizing the visitor play?

Councilmember Yukimura: I agree that we should monitor it because I believe that it will bring in additional revenue both to the concessionaire and to the County, and I think that is a good goal. I do not know how much of the deficit it will actually make up, but if it is in terms of play time, is it not true that the local golfers have the prime time? If the prime time could be given to visitors or at least freed up for visitors as well, that might increase visitor play? If the local people are retired, they can also fill in the time, right?

Committee Chair Kagawa: Understood. It is a good point and we will address that maybe on a different agenda issue.

Councilmember Yukimura: Okay.

Committee Chair Kagawa: It is a combination of things that we need to maximize our golf course so that we put the least subsidy that we have to into it.

Councilmember Yukimura: I concur with that goal.

Committee Chair Kagawa: Thank you.

Councilmember Yukimura: Thank you.

Committee Chair Kagawa: Councilmember Chock.

Councilmember Chock: Thank you, Committee Chair Kagawa. Given all that you went over, which is our vendor turnover and being competitive, this is why, from the beginning, I had looked in this direction. We talked during many budget cycles on how to make more sustainable. Of course this is not the pill, but I am wondering about what it can do. If the concession is successful, does that help to make the course more successful as well? The other thing that I was thinking about that I think we need to consider is currently, as you mentioned, people already are bringing their own coolers and things like that. This may, in fact, serve as a mechanism to actually hinder or control that kind of activity. We could look at being a little bit more explicit as to say, "We are not going to allow personal coolers and you

have to purchase from the vendor.” That would help the vendor even further, and maybe even minimize people bringing in cases...I am not saying that they are, but a 6-pack or a 12-pack of beer, where more alcohol is then consumed and not regulated whatsoever. I think if those parameters are part of the intent, I think it starts to help the other side of the argument saying that this is not a free-for-all because we are actually trying to create more oversight in this process. I have been looking at it. There are other municipalities that currently have this service around our Country and have been doing it successfully. So I think it warrants our continued discussion and support. Thank you.

Committee Chair Kagawa: I hear you, Councilmember Chock. It came in Bruce Hart’s letter saying, “Are you folks going to prevent local golfers from bringing their water and they will have to buy a three dollar (\$3) or four dollar (\$4) bottle of water from the vendor?” What was that? What I am saying is that I do not think we should prevent the local people or any golfer from bringing water, a flask, or even water bottles on the course. We need to make sure that those things are kept in place. There is reasonableness and as far as alcohol, yes, it is a law and should not be consumed on the course. That could easily be enforced with some type of enforcement by the concessionaire in which no private alcohol can be brought on the course. I think that would be a reasonable reason.

Councilmember Yukimura: I have a question.

Committee Chair Kagawa: Councilmember Yukimura.

Councilmember Yukimura: It was pointed out somewhere that we do not have a Marshal and the other golf courses have a Marshal. Excuse my ignorance, but I am not clear what the role of the Marshal is, but it sounded like people felt it would be some protection against drunk golfing. How are we managing that? Is that something that we will watch carefully and then see if there is a need for a Marshal? Maybe I just need some clarification about how that all works.

Committee Chair Kagawa: We can have the Department of Parks and Recreation up.

Councilmember Yukimura: Okay.

There being no objections, the rules were suspended.

Councilmember Yukimura: Okay. Thank you.

Committee Chair Kagawa: The questions are: what is the status of the Marshal, why do we not have a Marshal, and would the Marshal help monitor alcohol on the course? Those were Councilmember Yukimura’s questions.

IAN K. COSTA, Deputy Director of Parks and Recreation: We do not have a Marshal because the position was cut.

Committee Chair Kagawa: Please state your name.

Mr. Costa: Ian Costa, Deputy Director of the Department of Parks and Recreation. We do not have a Marshal because the Marshal position was cut, I believe, last fiscal year or prior to that. We would ask that position be reinstated should this Bill go through. The Marshal position is the enforcement arm on the golf course to enforce the rules of the course, as well as monitor speed of play, make sure if any complaints come in regarding horseplay or any disallowed activity, and the Marshal is also used if a vehicle should be hit by a ball. Typically, they would pull into the golf course as soon as they can and report it to the office, and then what often happens, in those cases, is the Marshal is dispatched to that particular location where the cart was hit, and within a hole or two (2), can pretty much catch up to the group that was theoretically responsible. So he is the eyes and ears on the golf course.

Councilmember Yukimura: Thank you for that explanation. How much would it take to restore the position of the Marshal?

Mr. Costa: I guess we would have to re-describe and get that position put in. I believe up until it was cut, it was a half-time position. I believe the salary was in the thirty thousand dollars (\$30,000) range.

Councilmember Yukimura: Thirty thousand dollars (\$30,000)?

Mr. Costa: I think so.

Councilmember Yukimura: It is hard to hear, so please speak up.

Mr. Costa: I believe with the benefits.

Councilmember Yukimura: Thirty thousand dollars (\$30,000) with benefits?

Mr. Costa: I believe so. I do not know. I do not have the number right off the top of my head.

Councilmember Yukimura: Can you please provide that information and follow-up?

Mr. Costa: Will do.

Councilmember Yukimura: If it is half-time, then it does not really cover all the times of play?

Mr. Costa: Yes, that is true.

Councilmember Yukimura: Please provide the full-time position, too.

Mr. Costa: Will do.

Councilmember Yukimura: Are you asking to bring back the Marshal just for the purpose of monitoring alcohol or is there a need? I guess the question is, how

have things been since the Marshal position was cut? Are you feeling the need for the Marshal position in the role other than regulating alcohol use?

Mr. Costa: Well, I think the Wailua Golf Course has a lot of regular golfers who, in general over the years, have become familiar with the rules and good pace of play. But yes, I believe we have missed that position, especially as we get more and more non-resident play.

Councilmember Yukimura: Right.

Mr. Costa: I have seen instances recently where people are driving around with very young children and the children are not really watched or made to stay in the cart.

Councilmember Yukimura: Oh, that is dangerous.

Mr. Costa: Often times, they are running around. To some degree, we rely on the cart concessionaire. I think in most golf courses, you cannot take a child who is less than eight (8) or six (6) years old onto the course, even on a cart.

Councilmember Yukimura: Do we not have that rule at our golf course? It sounds like a good safety rule to have.

Mr. Costa: Yes.

Councilmember Yukimura: So we do not have that rule unlike other golf courses?

Mr. Costa: No, we do not.

Councilmember Yukimura: Okay. What I think I heard you say, Ian, is that the players from Kaua'i are generally familiar with the rules of the golf course, generally follow the rules, therefore, the need for a Marshal is not that great. But as we increase the visitor count as users at our golf course, the need for a Marshal to enforce the rules, especially against people who are not that familiar with the rules, would be greater.

Mr. Costa: Yes. Also, during summer months when the daylight stays up a little longer, we do have our share of walk-on golfers that do not register or pay.

Councilmember Yukimura: You mean they just...

Mr. Costa: Once the office closes at 4:30 p.m. or 5:00 p.m., actually right around that time, people do tend to...I have seen it sort of increase a little bit recently, they just walk on the course.

Councilmember Yukimura: Okay. So that means no personnel is really on the golf course at that time?

Mr. Costa: Yes, out on the course itself and only in the office.

Councilmember Yukimura: But I thought you said after the office closes?

Mr. Costa: Yes, there is no personnel then.

Councilmember Yukimura: So there is nobody there?

Mr. Costa: Correct.

Councilmember Yukimura: But a Marshal would be unless you make his hours different from regular hours, he would off, too, especially a half-time Marshal?

Mr. Costa: Yes. Through the office, during summer months, they do occasionally have the Marshal stagger his time so that he would be present.

Councilmember Yukimura: Oh, I see. The Marshal has a staggered time. I do not know how much money we will gain from this, but if it is offset by personnel increases, then it is a net-zero, but like I said, I have no idea what the quantities will be. Do you have an estimate of how much money we might generate in addition to what we are generating now?

Mr. Costa: I am not sure. Baron probably has his own thoughts, but I do not believe that we will see a significant increase in golf course revenue simply because we sell alcohol on the course.

Councilmember Yukimura: Could Baron give his thoughts?

Committee Chair Kagawa: Can I follow-up on that? Do you believe what Mr. Aguano has stated that he believes that amenity because he says as people come nine (9) holes, they are asking, "Can I take a beer and play a 10th hole or whatever?" He believes that amenity will help attract more golfers. We have our slow time. So are you saying that having that ability or having a concessionaire out there will not impact the potential revenues of visitor play?

Mr. Costa: I am sure that would have some impact. As a golfer, I do not choose to go to a particular...

Committee Chair Kagawa: No, we are talking about the visitor play though.

Mr. Costa: Yes.

Committee Chair Kagawa: That is where we make our money, right?

Mr. Costa: I am not aware of players who simply go to courses because they sell alcohol. They go to courses because they like the course and

because of the rates that those courses offer...but any amenity that supports our concessions.

Councilmember Yukimura: I just wanted to hear Baron.

BARON NAKAMATSU, Wailua Golf Course Operations Clerk: I think the restaurant concessionaire would be the person qualified to answer your question because that is his area of expertise. It is not ours. If he feels that it may increase his business, then in turn, it would increase our business by way of green fees. At this point, we cannot tell you whether there would be a definite increase of play due to alcohol being sold.

Councilmember Yukimura: Is it not possible that it would just help him stay in business...

Mr. Nakamatsu: True.

Councilmember Yukimura: ...and therefore, keep a concession stream coming into the County? But then again, it still will not address any bit of deficit that we are looking at.

Mr. Nakamatsu: Correct. I agree.

Mr. Costa: I would state that our general position is that we do support the success of each and every one of our concessions.

Councilmember Yukimura: Thank you.

Committee Chair Kagawa: Council Chair Rapozo.

Council Chair Rapozo: Thank you. I wanted to go back to the question, and I do not know if I heard the answer. I think you said the Marshal position was cut last fiscal year, not this year.

Mr. Costa: Yes, I believe it was last fiscal year.

Council Chair Rapozo: Who was that done by? Was it the Vacancy Review Committee?

Mr. Costa: I believe that was done by the Administration.

Council Chair Rapozo: Not the Department of Parks and Recreation?

Mr. Costa: No.

Council Chair Rapozo: That was...

Mr. Costa: Actually, because of the budget cut amounts that we needed to meet and at the time that we had a retiring Marshal, I did propose dollar funding that position, but in turn, it did get removed.

Council Chair Rapozo: I know it is difficult to sit up there as part of the Administration and justify a position that was cut, but I rarely golf. But in past, I have golfed a lot and I just cannot imagine a golf course without a Marshal. I cannot. I mean, to me, that is one of the necessary positions on a golf course. I just do not understand how you...who goes out right now? If somebody calls on their cell phone and says, "The idiots in front of me are messing up or horsing around," Baron, do you have to go? Who goes? Who addresses those complaints?

Mr. Nakamatsu: We usually assign someone from the office staff to respond.

Council Chair Rapozo: Like office staff meaning?

Mr. Nakamatsu: Cashier or Starter...

Council Chair Rapozo: A Cashier?

Mr. Nakamatsu: ...or whoever is available.

Mr. Costa: Clerk.

Council Chair Rapozo: Is that in their job description?

Mr. Costa: No.

Mr. Nakamatsu: It may fall under...

Mr. Costa: Other related duties.

Council Chair Rapozo: A cashier going out and getting into a potential hazardous situation? Again, I was kind of disturbed when I heard that position was removed. That is the first question. Then, as far as drinking on the golf course, it is illegal. It is illegal to possess alcohol on a golf course. Obviously, it is illegal to sell alcohol on a golf course. Without a Marshal, it is very hard. You used to be a Marshal or a Starter, right, Baron?

Mr. Costa: Yes, Marshal and Starter.

Council Chair Rapozo: How long have you been away from that position now?

Mr. Costa: I believe it has been a little over a year. I am sorry.

Council Chair Rapozo: How long has Baron been away?

Mr. Nakamatsu: Twenty (20) years or so.

Council Chair Rapozo: It has been that long? Have we had any incidents on the course with drinking and horseplay?

- Mr. Nakamatsu: A few isolated incidents, yes.
- Council Chair Rapozo: Isolated meaning what?
- Mr. Nakamatsu: By and large, it is pretty much the locals.
- Council Chair Rapozo: But there is no active policing right now?
- Mr. Nakamatsu: No.
- Council Chair Rapozo: If there are issues where people are driving on the course with a beer bottle or beer can in the beverage container holder of the golf cart, we would never know?
- Mr. Nakamatsu: No.
- Mr. Costa: Other than through somebody calling in and complaining.
- Mr. Nakamatsu: Correct.
- Council Chair Rapozo: Okay. Your request would be to obviously have the Marshal reinstated in the budget, regardless of this Bill?
- Mr. Costa: To some degree, yes.
- Council Chair Rapozo: Okay. Thank you.
- Committee Chair Kagawa: Councilmember Chock.
- Councilmember Chock: Thank you, Committee Chair Kagawa. To understand the Marshal's role, is it just for the flow and safety of the players that the Marshal's oversight is, or is it overall course safety? For instance, I know, and thank you for getting the coconut trees cleaned up, because that was a hazard. Would that be part of the Marshal's oversight as well, to ensure that those types of hazards are mitigated?
- Mr. Costa: Yes, to some degree.
- Councilmember Chock: For safety?
- Mr. Costa: Again, he is the eyes and ears on the course throughout the day or throughout the time he is there.
- Councilmember Chock: Okay. That is one (1) example why. It is a safety issue that just currently happened where a Marshal's oversight would have been important in that process.
- Mr. Costa: Yes.

Councilmember Chock: Thank you.

Committee Chair Kagawa: Councilmember Yukimura.

Councilmember Yukimura: Baron, you said that there have been some isolated incidents on the course, have they been alcohol-related, or just behavior, or can you tell?

Mr. Nakamatsu: A few alcohol-related, yes.

Councilmember Yukimura: Okay.

Mr. Nakamatsu: But I would not consider it a regular thing. It is very isolated.

Councilmember Yukimura: However, if we actually allow sales and we increase visitor play, there could be more incidents, which would really help if you had a Marshal on-board, right?

Mr. Nakamatsu: Oh, definitely because the Marshal's primary duties are to enforce speed of play, enforce County Ordinances, and golf course policies. So it is a crucial position, yes.

Councilmember Yukimura: Yes. So to have an increase in those isolated incidents just because we are having these additional things that we are wanting, it would be sort of unwise to not have a Marshal position then?

Mr. Nakamatsu: The position would definitely help.

Councilmember Yukimura: Alright. Thank you.

Committee Chair Kagawa: Thank you. I would just like to point out in Fiscal Year 2014, the green fees deficit that was sort in the budget was one hundred forty-five thousand dollars (\$145,000). That is ten percent (10%) of our current subsidy to the golf course because we did not have the golf restaurant concessionaire and the Golf Pro Shop concessionaire. The food and beverage budget deficit was eighteen thousand six hundred dollars (\$18,600), which is the food and beverage rent that we did not have. My main concern in all of this is do we ever want to go back to the time where we did not have a restaurant and food and beverage concessionaire and should we take measures to make sure we do all we can to keep one in place? That is the question.

Mr. Costa: Yes, I believe so. Again, we support our concessionaires and once we are able to get a concession into that particular space, it is in our best interest to have them be successful and remain as long as possible.

Committee Chair Kagawa: This question came from the public, Ian, as you are the Deputy Director of Parks and Recreation. Is drinking allowed at the beach parks such as Lydgate or Salt Pond? Is it legal or illegal?

Councilmember Yukimura: It is legal.

Mr. Costa: I believe it is allowed in some parts.

Councilmember Kagawa: It is legal, right?

Mr. Costa: Yes.

Committee Chair Kagawa: It is legal.

Mr. Costa: It is only specifically prohibited in certain areas.

Committee Chair Kagawa: It is legal at the parks, but these people over here that do not understand that it might be important to keep a food and beverage concessionaire say, "No, not at the course, but the parks are good." Does that make sense? I mean, knowing that we had two (2) years without a golf course concessionaire, ten percent (10%) of our subsidy to the golf course is gone because we did not do our due diligence and do all we could to keep a restaurant concessionaire and Pro Shop concessionaire, right? We have to do all we can to foresee it. That is why I listen to the concessionaire when they come to me. I do not want to go back there. I have been golfing for thirty (30) years and I do not want to go back to that point where the concessionaire for the Pro Shop and the restaurant is empty. It is unthinkable for such a beautiful facility.

Mr. Costa: I agree. As an example, O'ahu has how many?
Eight (8) courses?

Mr. Nakamatsu: Six (6) courses.

Mr. Costa: Six (6) courses. They have only been successful in securing two (2) restaurant/snack bar concessions. In other words, they have four (4) course that are empty.

Committee Chair Kagawa: So four (4) golf courses have empty concessionaires?

Mr. Costa: Yes.

Committee Chair Kagawa: So which ones are the two (2) that have concessionaires?

Mr. Costa: I believe...

Mr. Nakamatsu: That would be Ala Wai Golf Course and West Loch Golf Course. Then the others only have vending machines available.

Committee Chair Kagawa: Wow. So is it a statewide problem?

Mr. Costa: Right.

Committee Chair Kagawa: Do people bring their own food onto the course? What is the reason? Do you think the local golfers tend to not patronize the restaurants?

Mr. Nakamatsu: I would imagine it would be the food, yes.

Mr. Costa: Yes, I would imagine part of that issue is the patronization by the golfers.

Committee Chair Kagawa: Okay, so it is a combination?

Mr. Costa: Yes, a combination.

Committee Chair Kagawa: But the current rent is very cheap, right?

Mr. Costa: Yes

Committee Chair Kagawa: How much is it right now or can we not disclose that?

Mr. Costa: Let me just explain what I did do as far as the soliciting of a concessionaire. When I initially put the bid out, the minimum rent, which is somewhat historical, was one thousand eight hundred dollars (\$1,800) a month. We had zero (0) interested bidders. I dropped that down to one thousand two hundred dollars (\$1,200), I believe. I had zero (0) interested bidders. I ultimately dropped it down to eight hundred dollars (\$800), which is when I had about thirteen (13) potential interested bidders. In the end, one (1) bid and that was the successful bidder.

Committee Chair Kagawa: Councilmember Yukimura, do you have a question?

Councilmember Yukimura: Yes. I am interested in the interface of children and alcohol. If we do not have any clear regulations about children on the golf course, it seems that might be a good area for you folks to work on, especially if it is kind of standard practice in the private golf courses, not to allow very young children. We should at least have that threshold of protection.

Mr. Costa: Yes.

Councilmember Yukimura: My question is are you folks willing to take a look at your rules and tighten up the rules with respect to children, if these other rule changes go into effect, which would allow sale of alcohol on the premises?

Mr. Costa: Yes, okay. Yes, we should.

(Councilmember Hooser was noted as present.)

Mr. Costa: I think it is a matter of striking a balance though, because I think part of the hope is that we get younger kids to start golfing.

I know there are many who have their kids start at a very young age, less than eight (8) or seven (7), but they need to be accompanied, and that is the main thing.

Councilmember Yukimura: Well, not just accompanied, but actually monitored or...

Mr. Costa: Yes, or oversight.

Councilmember Yukimura: ...you have to have responsible parental supervision.

Mr. Costa: Yes.

Councilmember Yukimura: I would like to see a golfing family. That is a great idea with young kids and adults golfing, but if there is going to be increased alcohol available, it seems it would be prudent to tighten the regulations to minimize any conflicts.

Mr. Costa: I agree.

Councilmember Yukimura: Okay. I appreciate that. Thank you.

Committee Chair Kagawa: Are there any further questions Members?
Council Chair Rapozo.

Council Chair Rapozo: I probably have a question for the County Attorney, if we can call him up at some point.

Committee Chair Kagawa: Are there any other questions for the Department of Parks and Recreation?

Councilmember Chock: No, just a question to the Committee.

Mr. Costa: Thank you.

Committee Chair Kagawa: Thank you for coming today. Baron, keep up your good work at the Wailua Golf Course. County Attorney, please come up.

MAUNA KEA TRASK, County Attorney: *Aloha* honorable Chair and Members of the Council. For the record, Mauna Kea Trask, County Attorney.

Council Chair Rapozo: Thank you, Mauna Kea. I had a question because I am assuming that the Bill had gone through your Office for review. One (1) of the questions that I have is since the Driving Under the Influence (DUI) laws changed and it became Operating a Vehicle Under the Influence of an Intoxicant (OVUII) so that it does not have to liquor, but it can be any kind of intoxicating substance. A lot of the laws changed and one (1) of them was the definition of "vehicle." Have you folks looked at the "vehicle" definition in Hawai'i Revised Statutes (HRS) Section 291 to make sure that a golf cart...because the way I read the definition or the way I read it was that it includes electric vehicles or

anything that moves except mopeds. That was HRS Section 291(c). But when they did the OVUII, they included mopeds. They even included donkeys. Seriously.

Mr. Trask:

Yes.

Council Chair Rapozo: In the old days, it did not. It had been to be a motor vehicle. Now, it is just vehicle and they included all of these different classes of equipment, or vehicles, or tractors. It does not have to be licensed. Have we looked at that, because now you are taking a vehicle, which is the golf cart, and you are operating that cart or possessing liquor, or alcohol, or an intoxicant in that vehicle? Have you taken a look at that?

Mr. Trask: Thank you for the question. It is a good one. Prior to answering it, do you understand that I am happy to answer that question on the floor, but if I do, you are going to waive attorney-client privileges as far as the answer?

Council Chair Rapozo:

Well, yes.

Mr. Trask:

That is fine.

Council Chair Rapozo:
needs to know.

For me, it does not matter. I think the public

Mr. Trask: You are right. For your edification, you are correct. You could get a DUI on a bike and you can get a DUI on a horse. There are cases to that effect. Golf cart is clearly a vehicle. In fact, when I was a prosecutor, I prosecuted somebody for DUI on a golf cart on the eastern bypass in Kōloa. What I looked at was the...

Council Chair Rapozo: It sounds funny, but the person that left his car at home and rode his donkey to the bar because the donkey could get him home safely...

Mr. Trask:

I was surprised, you can.

Council Chair Rapozo:

And he got convicted...

Mr. Trask:

Yes.

Council Chair Rapozo:

...for being responsible.

Mr. Trask: I would imagine I could fall down drunk on a donkey and it would walk me back home, but apparently not.

Council Chair Rapozo: As silly as it sounds, that is the law. I want to make sure that we have cleared that hurdle.

Mr. Trask: It is not actually the vehicle. What we thought was the real question was whether or not the rights-of-way within the golf

course, did they qualify as public roadways/streets, and those kinds of things. Of course, the Office of the County Attorney is not the prosecuting office. We do not charge crimes. So do not have that authority to really advice on that.

Council Chair Rapozo: Okay.

Mr. Trask: I did look at it. We looked at HRS Section 291(e)1 as well as HRS Section 291(c)1 for the definition of essentially "public ways." I spoke with the Office of the Prosecuting Attorney and because it is internal and not open to any member of the public not using the golf course to just use vehicular bypass, you cannot go on the golf course rights-of-way without playing golf. I could not just pull off and try to cut through the golf course on my way to Lihue. They would not charge a DUI on the golf course; however, that does not mean there should not be administrative rules regulating the use of them. There is still liability in some way, shape, or form and those kinds of issues; public safety, but not criminal DUI.

Council Chair Rapozo: Well, I guess I need to get a definite, and we will send it in writing to both you and the Office of the Prosecuting Attorney, because what I do not want is a County law that is going to give a drunk person a defense in a case where somebody gets hurt.

Mr. Trask: That is the different thing. Again, the DUI does not mean if someone hits someone else, they would not be liable civilly or for some other kind of criminal mischief-type of situation, but OVUII, we are happy to answer that in writing.

Council Chair Rapozo: The OVUII is the one that I am looking at, HRS Section 291(e), because I remember the whole purpose was to open it up to prohibit more people from operating a vehicle. I remember that because in the old days, it was specific to certain vehicles.

Mr. Trask: Yes.

Council Chair Rapozo: They had to have an engine, it had to be over so many horsepower, and all of these things. You could be on a moped drunk as a sunk and it was okay. That has changed, and I just want to make sure. Committee Chair Kagawa, I would ask that we send that across to both attorney offices to get that clearly defined because that one is of the things that this body would need before we take action on this Bill, that we get the opinions from both sides, civil and criminal.

Mr. Trask: That is good advice.

Council Chair Rapozo: Thank you.

Committee Chair Kagawa: Are there any further questions? Go ahead, Councilmember Chock.

Councilmember Chock: Mauna Kea for clarity's sake, we have been talking about Marshal oversight and vendor oversight. I want to be clear about who

is responsible for...not the administration, but for ensuring that the laws are being adhered to in this case if alcohol is being distributed.

Mr. Trask: I think what you are going to see is an interaction in both. My understanding is looking at Chapter 19, Article 3, which is the ordinances pertaining to Wailua Golf Course, the Marshals would still be responsible for regulating play and all of these activities that fall within the Marshal's *kuleana*. I think as far as the sale of alcohol though, you are adding an extra layer of regulation under HRS Section 291, which is the liquor laws and the licensee's duties and responsibilities as the licensee to sell liquor in any area, falls upon the licensee. They would have to go through the Liquor Commission and get their permit for that operation, which is separate and apart from Council action. That is the Liquor Commission.

Councilmember Chock: Right.

Mr. Trask: Normally, you would see that would be underage consumption, over service, regulation of fights on the premises, and all of these types of things. It would be a large premises or other way, shape, or form that they would have to address that, but usually, it is on the licensee.

Councilmember Chock: For instance, if somebody left the course who was sold alcohol, got into an accident, and proved to be over the limit, then would the licensee be more liable than the County?

Mr. Trask: Well, that would definitely be our defense, but dremshop would fall to the sellor, but the County, there is a deep-pocket. As you know, legally, the deep-pockets usually always join. Whether or not we win is a separate issue, whether or not we get sued.

Committee Chair Kagawa: Councilmember Kaneshiro.

Councilmember Kaneshiro: Right now, the concessionaire is able to sell alcohol in the restaurant.

Mr. Trask: Yes.

Councilmember Kaneshiro: The same thing could happen right now where they are drinking in the restaurant, go out, and possibly get into an accident. We are talking about allowing them to drink on the course, and it is still pretty much the same thing, right?

Mr. Trask: Exactly. You put up a good point, too. I do not golf, but I have heard that people do drink now. So practically what is happening, I do not know. I have no firsthand knowledge. Legally what is supposed to happen may be a separate issue. This is a good opportunity to look at all of that.

Committee Chair Kagawa: Councilmember Yukimura.

Councilmember Yukimura: Do we, in our contract with the concessionaire, ask them to indemnify us for any alcohol-related consequences?

Mr. Trask: I do not know the specific indemnity clause, but it is my understanding that we have one. But usually when we contract out, everything related to their premises would be their responsibility. But I would feel more comfortable looking at the actual contract.

Councilmember Yukimura: I would like to request that you look at those provisions in the contract and determine whether more specific language to cover all liabilities related to alcohol would be advisable.

Mr. Trask: I would like to thank Deputy County Attorney Nick Courson, for the record, for providing me this information. Under paragraph 37 of our agreement with the concessionaire entitled "Indemnification," "The concessionaire shall so conduct his activities as not to endanger any person lawfully there on; and shall indemnify, save, and hold harmless the County, all of its officers, agents, et cetera; free and harmless from any and all deaths, injuries, losses, and damages to persons or property; any and all claims, demands, and liabilities arise thereon; occasion wholly or in part by the act or omissions of the concessionaire, his agents, officers, employees, et cetera, or any person admitted to the premises of the concession." That is the operative word, "the premises of the concession." What is the premises? If it is expanded, it would include that, but currently, it is what it is.

Councilmember Yukimura: This might be a question for Mr. Costa, but I would like to know if there is a current insurance policy that includes the County as additional insured?

Mr. Trask: I am sure there is. Nick, do you have that?
We have that too.

Councilmember Yukimura: I would like confirmation of that.

Mr. Trask: If I could just one moment?

Councilmember Yukimura: As you know, we have dropped that in another department and it is costing us over two million dollars (\$2,000,000).

Mr. Trask: Well, it is a requirement and we will follow-up with the certification.

Councilmember Yukimura: Okay. I appreciate that.

Mr. Trask: You are welcome.

Councilmember Yukimura: Thank you.

Mr. Trask: If that could also be sent over with Council's written request on this item, it would be better.

Committee Chair Kagawa: Council Chair Rapozo.

Council Chair Rapozo: Thank you. I think we will be sending over a few. I have a few questions. I think Councilmember Kaneshiro brings up a good point, but the difference, in my opinion, and correct me if I am wrong, Mauna Kea, is that the lease is the building, structure, restaurant, bar, or whatever, which is a self-contained premises.

Mr. Trask: That is my understanding.

Council Chair Rapozo: Now, this Bill as a law would allow a golf cart or a service cart, to drive around the entire golf course. So maybe on the liquor license side, the premises as defined, would be the course, but as far as the liability, that is the question that I will be sending over. I find it hard to believe that that concessionaire can accept and indemnify the County on what happens on the golf course. We are going to have really focus on that because it may not be the action of the concessionaire that causes the exposure.

Mr. Trask: That is correct. Like Vice Chair Kagawa had stated, you want to invite people. That is a huge premises; eighteen (18) holes that is one hundred (100) something acres. I do not know. It would be interesting to look at how City and County of Honolulu does it if the sell alcohol.

Council Chair Rapozo: They do not. All the golf courses in the counties, none of them sell alcohol.

Mr. Trask: Okay.

Council Chair Rapozo: I was hoping someone did because I wanted to get their administrative rules, but none of the municipal courses in Hawai'i serve alcohol. This would be the first.

Mr. Trask: We would probably look out of State. There has to be some guidance and if not, that is an interesting question because it may be not as attractive if you do that for whatever happens.

Council Chair Rapozo: I am not sure what the liability insurance costs would be to the concessionaire. I can tell you, as a private investigator, I tried to get a license to carry a gun. My premium just of the license whether I use the gun or not, wear the gun or not, quadrupled the premium just because I had the license. I do not even know at this point. I have not spoken to Mr. Aguano if he has done that research, but I would assume that if you are going to expand your liability, protection to cover the one hundred (100) acres or three hundred (300) acres of golf course, it may not even be feasible for the concessionaire, but I do not know that.

Mr. Trask: There is always going to be that interplay. It is always County land, so there is going to be an interplay there somehow, and I think it behooves us to take the time to look at these questions so you can have the best guidance.

Council Chair Rapozo: Thank you.

Committee Chair Kagawa: To help you folks out, Councilmember Chock did do some due diligence and found that there are many golf course in the nation municipalities that have the same thing that this Bill is trying to propose. As for the State of Hawai'i, I think currently, it is not. Councilmember Hooser.

Councilmember Hooser: Thank you. The question about the liability, the insurance, and the coverage is a good one. It seems like this would increase the exposure, and so the existing contract probably has certain insurance parameters or a policy up to a certain level. I think someone needs to think about whether that level would remain appropriate at the current or whether it should be expanded? So I do not know whose responsibility that is. Would that be your Office?

Mr. Trask: No. Risk management and insurance is appropriately housed in the Department of Finance, and we have a broker who helps us a lot and they are a great resource.

(Council Chair Rapozo was noted as not present.)

Mr. Trask: When something novel like this comes up, we always run it by insurance. While the Office of the County Attorney is good at reading the law, we acknowledge that we are not insurance brokers. That is its own separate thing, so we like to get their expertise on that.

Councilmember Hooser: Okay. Is that happening or will happen with this?

Mr. Trask: Yes, it would be an issue that we would look at going forward.

Councilmember Hooser: Okay. Then, I suppose the lease would be amended to allow...if this were to pass, the lease would be amended to expand the alcohol and the insurance if it was changed?

Mr. Trask: It very well could, correct. Also, too, a lot of this work would have to be done in front of the Liquor Commission. They have plenary authority regarding issuance of liquor licenses. So how they would feel about this and those legal issues are also important.

Councilmember Hooser: I have another question. I think it was stated at the beginning of the meeting, and I am not on the Committee, so I was not here the whole time. But apparently there is liquor consumption occurring on the course now, but it is not allowed by the golf course. I am assuming, and you can correct me if I am wrong, this is not liquor provided by the establishment, but liquor that people are bringing on the course in their own coolers and that kind of thing.

Mr. Trask: Again, I do not golf. Under HRS Section 19-3.5, "it shall be unlawful for my person to possess or consume any intoxicating liquor any time within the boundary of the golf course except for those

areas licensed for consumption.” Anecdotally, I have heard that people drink on the golf course. I do not know.

Councilmember Hooser: My question would be, again apparently anecdotally, people are drinking and the law is not being enforced. Who is responsible for enforcing that particular provision of the law?

Mr. Trask: It could include police or the Marshals.

Councilmember Hooser: Is it the management of the golf course?

Mr. Trask: In that, the management is County, yes. I think the Marshals would be the ones because they are there. I do not think police go to the course a lot, but it could be Public Safety Officers with the authority to enforce the law.

Councilmember Hooser: Okay. Has there been a task or some kind of decision, and maybe this should be asked of the golf course, to not enforce it?

Mr. Trask: I have no idea. The law is to enforce.

Councilmember Hooser: Right.

Mr. Trask: You cannot. Even if you do not enforce it for a long time or you interpret something one way, the correct way is always the correct way regardless.

Councilmember Hooser: Right, because it seems like part of the justification is it is already happening, we are not enforcing it, and therefore we should legalize it.

Mr. Trask: I do not know.

Councilmember Hooser: Okay. Thank you.

Committee Chair Kagawa: If I could ask if you folks have questions for the golf course, the management, and the Marshals, just ask the golf course people. Ask Mauna Kea things related to the legality. Thank you. Go ahead, Councilmember Yukimura.

Councilmember Yukimura: Thank you. Mauna Kea, if there are as I think Councilmember Chock has determined, municipal golf courses that allow for sale of alcohol in other parts of the Country, it would seem interesting to look at the indemnity provisions of those golf courses to see if somebody has figured this out in a really effective way. Then, the definition of “premises” would be a key definition, right, especially if this law passes such that actually the definition of “premises” will be different than what it is now?

Mr. Trask: Yes, we would look at the definition of “premises” as defined in HRS Section 281, and we would rely on...

Councilmember Yukimura: HRS Section 281 is the liquor law?

Mr. Trask: State liquor laws. Also, you are right, looking at other municipalities. We would seek guidance from our insurance brokers because actuaries look at everything. That would be good insurance industry information that we could use to look at this issue.

Councilmember Yukimura: Because I think it does increase the County's exposure to legally allow alcohol on such a large area.

Mr. Trask: This came up earlier. I think it definitely could. At the same time, we do allow alcohol to be consumed at all County parks and rights-of-way except between the hours of 11:00 p.m. and 6:00 a.m. Of course, anyone who rents out the Kaua'i Memorial Convention Hall can get alcohol as long as you get your license from the Liquor Control Commission. There are events that have beer garden types of things and all of these things happen. It is not like this is entirely novel. We do have even inter-County potentially analogous issues, but this could be different. So we just want to acknowledge those similarities and differences.

Councilmember Yukimura: Okay. Thank you.

Committee Chair Kagawa: I am going to call up the Department of Liquor Control. When we had some of the questions about the potential liquor contract that might go out, I think Gerald might have somethings to share about that. So if you could open up about with that, then we will open it up for questions.

GERALD RAPOZO, Director of the Department of Liquor Control: Good morning, Gerald Rapozo, Department of Liquor Control. One thing on the insurance issue, currently, State liquor law requires that all liquor licensees carry a one million dollar (\$1,000,000) liquor liability insurance policy, but that is pretty much for the protection of the licensee. I do not know if there would be anything to protect the County, so that is something that we can look at. What were the other questions? The other thing is we currently have six (6) golf courses that are licensed on Kaua'i. I checked with them, revenue-wise, they said anywhere from twenty percent (20%) to fifty percent (50%) of the daily revenues come from the beverage carts.

Committee Chair Kagawa: Twenty percent (20%) to fifty percent (50%)?

Mr. Rapozo: Yes.

Councilmember Yukimura: Wow.

Mr. Rapozo: I asked them about problems on the golf course, and mainly the golf cart problems were carelessness, negligence, and nothing to do with liquor. As of problems on the golf course; fights and disturbances, we have not heard anything.

(Council Chair Rapozo was noted as present.)

Committee Chair Kagawa: Go ahead.

Councilmember Yukimura: Negligence can turn into some pretty severe accidents if they are driving the cart dangerously, right?

Mr. Rapozo: Definitely.

Councilmember Yukimura: I recall a death on the golf course on Kaua'i.

Mr. Rapozo: Yes, years ago.

Councilmember Yukimura: Yes, through the driving of a cart, and I do not know if alcohol was a factor.

Mr. Rapozo: In that case, it was not. It was just the terrain and speed.

Councilmember Yukimura: But alcohol can be a confounding factor in cases like that.

Mr. Rapozo: It could.

Councilmember Yukimura: That is why the DUI laws are there. Thank you for that research. That is really helpful. Are you saying the problems on the golf course with respect to alcohol, have been carelessness and negligence?

Mr. Rapozo: No, just damage to the golf carts was negligence or carelessness.

Councilmember Yukimura: Okay, and there were no real problems as to fights or things like that?

Mr. Rapozo: We have not heard of any problems.

Councilmember Yukimura: But it is interesting that beverage carts are twenty percent (20%) to fifty percent (50%) of the source of revenue.

Mr. Rapozo: Yes, that was from the courses on the island.

Councilmember Yukimura: Alright. Thank you very much.

Committee Chair Kagawa: Are there any further questions? Go ahead, Councilmember Hooser.

Councilmember Hooser: Thank you for the information. Would the licensee be the vendor?

Mr. Rapozo: Correct.

Councilmember Hooser: I believe I was reading your letter and it seems like it is their discretion whether they want to allow private individuals to bring their own 6-pack and coolers?

Mr. Rapozo: Yes. Currently, any restaurant that is licensed to sell liquor, it is their option whether they allow outside liquor to come into the premises. They are still responsible. So if I go in, bring a bottle of wine, and my sixteen (16) year old daughter takes a sip, they are still responsible even though they did not serve the liquor.

Councilmember Hooser: So golfers could still legally bring their coolers?

Mr. Rapozo: Legally...

Councilmember Hooser: Legally, they can?

Mr. Rapozo: They can.

Councilmember Hooser: But the licensee could say "no?"

Mr. Rapozo: Correct.

Councilmember Hooser: Then, they would have to enforce that also?

Mr. Rapozo: Correct.

Councilmember Hooser: If a golfer brought their own cooler, the licensee would be responsible for the actions of that golfer?

Mr. Rapozo: Yes.

Councilmember Hooser: Even though they did not sell them that alcohol?

Mr. Rapozo: Correct.

Councilmember Hooser: Okay. Thank you.

Committee Chair Kagawa: Councilmember Yukimura.

Councilmember Yukimura: It is a little different though in an enclosed facility where the licensee is really responsible for the whole environment versus selling on the golf course where the licensee is really not responsible for how the environment is setup or anything, right? That is where there is a real intertwining...

Mr. Rapozo: Pretty much, the supervision over the liquor license premises belongs to the person in the beverage cart. That person is the person.

Councilmember Yukimura: The person in the beverage cart?

Mr. Rapozo: Yes, the server. That is the person who is actually doing the policing when they are doing the actual serving.

Councilmember Yukimura: But the policing is mainly as to alcohol, not to anything else?

Mr. Rapozo: Yes. Well, their liquor responsibilities would be the sale and service.

Councilmember Yukimura: Yes.

Mr. Rapozo: So the underage...

Councilmember Yukimura: Right.

Mr. Rapozo: ...overconsumption.

Councilmember Yukimura: Right, but if the liquor cart were there, dispensing liquor, and a fight ensued, if that were a bar, the licensee would be responsible for handling the fight. On the golf course, it would actually be the Marshal's responsibility.

Mr. Rapozo: In this case, it would still be part of the licensed premises.

Councilmember Yukimura: Okay.

Mr. Rapozo: So that person would still be responsible. The licensee is still responsible.

Councilmember Yukimura: Okay, and under the liquor licenses, once a licensee determines that someone is drunk, they have a legal responsibility not to continue selling?

Mr. Rapozo: Correct. The State liquor law says that once a person is cutoff, the licensee has determined that they have had too much, that they have to not only stop serving, but the person needs to leave the premises. So if there is any intoxicated person that remains in the premises, that is a violation.

Councilmember Yukimura: But if they say a person leaves, the person leaves and then causes an accident on the road, then are they also responsible for that?

Mr. Rapozo: What we recommend to a licensee is when they cut somebody off because they had too much to drink, they got that person to that point so now they have to take care of that person, whether they call a cab; call friends or family; or drive them home themselves.

Councilmember Yukimura: Okay.

Mr. Rapozo: But they got that person to that point and it is their responsibility.

Councilmember Yukimura: Okay.

Committee Chair Kagawa: I think we are kind of drifting away from the agenda item. We are going into overall DUI laws. If you folks can just track it back to the agenda item.

Councilmember Yukimura: Well, Committee Chair Kagawa, the liability of the County could be in jeopardy if this sequence of events happens.

Committee Chair Kagawa: If you feel that way, you vote no.

Councilmember Yukimura: I do not think it is...

Committee Chair Kagawa: It is very hypothetical. The questions that you are asking are very hypothetical. You are bringing up instances that have not even happened before where people are fighting because of alcohol. It is hypothetical questions that are difficult to answer, or a person that we kicked off the course that crashed on the highway. That did not happen. I do not think those hypothetical questions belong in this agenda item right now.

Councilmember Yukimura: Committee Chair Kagawa...

Committee Chair Kagawa: That is my ruling.

Councilmember Yukimura: ...these things have happened all the time.

Committee Chair Kagawa: When? What instance are you talking about?

Councilmember Yukimura: In alcohol establishments and we are now creating...

Committee Chair Kagawa: We are talking about the Wailua Golf Course right now.

Councilmember Yukimura: We are talking about the potential of creating an alcohol establishment or a wider reach of alcohol on our premises.

Committee Chair Kagawa: Just ask the question and just keep it related to the agenda item, please.

Councilmember Yukimura: Well, I think my question was answered. Thank you very much.

Committee Chair Kagawa: Council Chair Rapozo.

Council Chair Rapozo: I just wanted to get clarification because I brought up premises and the definition of "premises" earlier as far as the liquor laws are concerned, that is tied into State law for the intoxicated person as you just discussed. If that person is ruled intoxicated and basically the concessionaire or the

vendor says, "You are cutoff," the premises is the golf course, so he or she would have to leave the golf course and forfeit the rest of their game?

Mr. Rapozo: Correct.

Council Chair Rapozo: As far as your Department is concerned?

Mr. Rapozo: Yes. The law says that they would need to leave the premises.

Council Chair Rapozo: Is that the State law?

Mr. Rapozo: It is State law.

Council Chair Rapozo: Okay. Thank you.

Committee Chair Kagawa: Just to follow-up on some of the questions, we are acting as though nobody is policing or marshaling the course. The fact of the matter is all of the local golfers are the police and the eyes. As soon as they see horseplay, drunkenness, or dangerous actions, they call Baron. They call the office and the office is right out there. They will ban them from the course for two (2) years. They have done that many times. So there is a lot of enforcement. That is why we have zero (0) instances. We have our local police out there every day on that course, and they know who to call. They call the office. If Baron does not have a Marshal, they get out there and take care of it. It is not like we are letting horseplay or craziness, people fighting, or banging trees. We do not allow that. It does not happen. That is why I am saying a lot of hypothetical things are being said, and there is not enough appreciate for the golf course and their staff. Councilmember Hooser.

Councilmember Hooser: As Council Chair Rapozo and Councilmember Yukimura, I also have a hypothetical situation that applies. I think it is very relevant to explore what may happen if we change this rule, because as stated, the premises now expands to the entire golf course. On a regular establishment, a person has to consume in the premises. Is that correct?

Mr. Rapozo: Correct.

Councilmember Hooser: My wife and I like to walk the beach back there. You see people camping and during holidays, people are there. It made me think, hypothetically, that well I could just run up on the course and buy a beer. Would I have to consume it on the course?

Mr. Rapozo: Yes.

Councilmember Hooser: I would have to stand there on the course and consume it?

Mr. Rapozo: When we approve the licensing application, they would define the premises.

Councilmember Hooser: Okay.

Mr. Rapozo: Usually for golf courses, we use the vegetation on the outsides.

Councilmember Hooser: So I do not have to be a golfer *per se*, I just have to be on the golf course drinking?

Mr. Rapozo: Legally, yes. It would be the call of the concessionaire whether they would sell to someone not golfing.

Councilmember Hooser: Right, who came up from the beach who was hot and wanted a beer?

Mr. Rapozo: Yes.

Councilmember Hooser: Okay. Thank you.

Committee Chair Kagawa: That is a good question, actually. Are there any further questions? No, that was a good question. We have a beach right back there. That is a good question to ask. Are there any further questions? Councilmember Yukimura.

Councilmember Yukimura: I have a question for Baron, please.

Committee Chair Kagawa: We are done with them already. I am just kidding. Baron? We have a question for the golf course again. Let us have all the questions answered today, and then we will just have to deal with the legal issues. So we are probably looking at a deferral if other Members agree.

Councilmember Yukimura: Out of scenario that Councilmember Hooser mentioned where a non-golfer walks onto the golf course and tries to buy some alcohol, are there regulations that say a non-golfer cannot be on the golf course?

Council Chair Rapozo: You have the right to refuse service to anyone.

Committee Chair Kagawa: Is it like trespassing?

Councilmember Yukimura: But it is not golf service.

Mr. Nakamatsu: For safety's sake, we normally evict...

Councilmember Yukimura: You normally evict non-golfers?

Mr. Nakamatsu: Yes, for their safety.

Councilmember Yukimura: Do you just ask them?

Mr. Nakamatsu: For example, bicycle riders, joggers, and beachgoers. It is for their safety because there are golf balls flying all over the place.

Councilmember Yukimura: Yes. The attorney is showing me that all players must register. If you are not registered, then you will be asked to leave. So that is sort of the regulation that impacts on the scenario that Councilmember Hooser raised?

Mr. Nakamatsu: Yes.

Councilmember Yukimura: Okay. Councilmember Kagawa has mentioned that you have the power and you have used the power to ban people from the golf course for two (2) years. Is that true?

Mr. Nakamatsu: It has happened in the past, yes.

Councilmember Yukimura: That is a very powerful deterrent to bad behavior, right?

Mr. Nakamatsu: Definitely. Like I said, it happened a few times.

Councilmember Yukimura: Can you speak a little louder?

Mr. Nakamatsu: It happened a few times where we did ban someone because of repeated violations, but I can barely recall.

Councilmember Yukimura: It is not a power you use often, but you do have it...

Mr. Nakamatsu: Not at all, no.

Councilmember Yukimura: ...in case you need to use it?

Mr. Nakamatsu: Correct.

Councilmember Yukimura: Okay. Thank you very much.

Committee Chair Kagawa: Councilmember Hooser.

Councilmember Hooser: I apologize if you already addressed the question. This is for the Manager. It is the question for the Administration, and I assume you are recommending the Administration's position. Are you folks supporting this? Do you support the passage of expanding the sale of liquor at the golf course? What is the Mayor's position or the Administration's position?

Mr. Costa: Our Department's position is that, as I stated earlier, that we support the concessionaire and the success of the concessionaire, which in turn, helps the successfulness of the golf course.

Councilmember Hooser: Are you supporting the passage of this measure to expand the sale of alcohol at the course, on the premises, to be able to sell alcohol? Do you support the Bill?

Mr. Costa: Provided all of the issues that we are identifying are able to be addressed.

Councilmember Hooser: Thank you.

Committee Chair Kagawa: That is a good answer. Are there any further questions? Councilmember Yukimura.

Councilmember Yukimura: What are the issues that need to be addressed in order for you to support this Bill?

Mr. Costa: I think a number of them have been raised. It has probably been documented by your Clerk.

Councilmember Yukimura: Are you proposing it?

Mr. Costa: We did not.

Committee Chair Kagawa: The vendor.

Councilmember Yukimura: Okay. Thank you. Your position is that you are in favor of it as long as the issues that are raised in the vetting of this Bill get addressed?

Mr. Costa: Sure.

Councilmember Yukimura: Okay. How do you propose that we address these issues to your satisfaction?

Mr. Costa: I am not sure I can answer that. I think I can respond to the summary of issues that have been raised, but I cannot answer that at this time.

Councilmember Yukimura: Well, there is a proposal that is going to affect the golf course management, liability, and all of those issues. So I am guessing you have a position about how you want those resolved in order to make it work for you.

Mr. Costa: Well, there were a number that have been raised such as insurance issues. I just simply cannot address them at this time, like you cannot at this time either.

Councilmember Yukimura: I am not the Manager of the golf course. Thank you.

Committee Chair Kagawa: Are there any further questions? Seeing none, I am going to open it up for public testimony. Thank you. Good job.

(Councilmember Kualii was noted as not present.)

Committee Chair Kagawa: Are there any registered speakers? Seeing none, does anybody want to speak? Glenn. We are headed for a deferral. That is where it is at.

GLENN MICKENS: For the record, Glenn Mickens. Thank you, Committee Chair Kagawa. Are we really saying that allowing golfers to drink on the course will take away the one million five hundred thousand dollar (\$1,500,000) subsidy that the taxpayers are now paying? Is that not the issue? I do not golf or drink, so this issue only affects the subsidy I pay for in my taxes. I do not believe that letting golfers use alcohol on the course, as has been stated by Baron, will significantly affect our revenue income. Should we not find out why our course was once a true enterprise operation and not just change a law making it legal to use alcohol on the course, which there is no evidence that it will solve the problem of adding revenue by more participants? If we need a Marshal to enforce laws that are not being obeyed, then get one. But his thirty thousand dollar (\$30,000) salary is only going to increase the subsidies that we are paying for.

(Councilmember Kualii was noted as present.)

Mr. Mickens: I still remember years ago when the sprinkler system at the golf course broke. We had to have fire trucks go out and water the greens. They said it was a huge...I do not know how much it was, to put in new irrigation system in, but they said that was the cause at that time. I believe I heard that the income was equal to the outgo at that particular time. I do not know if it was ten (10) or fifteen (15) years ago. They said that the cost for putting in that irrigation system, which has now changed the income and outflow, I do not know that. Is that not the real thing we should be finding out if we are concerned about the one million five hundred thousand dollars (\$1,500,000) we are paying for the golf course subsidy? As Committee Chair Kagawa pointed out, there are a lot of issues that we do have to subsidize, the County does for parks and recreation areas, there are plenty of things, but this was designated as a true enterprise; income equals outgo type of operation. Thank you.

Committee Chair Kagawa: Next speaker. Anybody else wanting to speak on this issue? You do not have to. Go ahead, Joe. Welcome.

JOE ROSA: For the record, Joe Rosa. I have been around a long time and there are other things to generate revenue. The question there came about I remember I was doing a job on highway improvements right in front of the jail and the restaurant there. Tourist used to stop and delay the traffic because of the construction. They would ask me, "Where is the nearest restaurant that we can have something to eat or get a bite?" I told them, "Right in the back." They said, "Oh, that is not a restaurant. That is a membership club." At that time, it was noted that it was Wailua Country Club. Anything that has to do with "club," is something that you pay a fee to be a member. So things like that there could deter revenue, just a simple word like "club." After when there was a change in the management of the restaurant there and I found out who he was, I told him, "Get rid of the Wailua Country Club." A "club" means that you have to have membership to patronize it. It is simple things like that. They changed it. It became the Fairview Restaurant. Those are the kinds of things that you have to look at to generate revenue. Also,

when you have a cart and you have a foursome, or whatever amount of people you play in your group, you are going to be amongst friends. I do not think that there should be any kind of argument or anything. You drink a beer, just like taking a bottle of water today. You just take a sip or something like that. It is not like sitting down like when you are in a bar. You have to keep on moving. I remember my friend used to be a Marshal out there and those were the thing that he had to push up with people taking too long, talking, and then other people pulling up in the back. Those were positive. They need Marshals. I do not care where, but like I said, those were the days. I had a couple of friends working as Marshals over there at the golf course.

(Councilmember Yukimura was noted as not present.)

Mr. Rosa: As far as alcohol, you are not going to sit down. You are just going to take a sip until you finish your nine (9) or eighteen (18) holes. They used to go to restaurant and have a good, nice, cold beer. Those are the kinds of things that you have to look into overall. It is accountability again. When you and your group are drinking beers, you go home, and get into an accident, you are part of the fault. I remember...

Committee Chair Kagawa: Red light, Joe.

Mr. Rosa: ...a person that got into an accident and they were drinking at the restaurant. After they played their round of golf, he got drunk with a couple of beers. It was a hot day, he went out, and drove. He regretted it afterwards.

Committee Chair Kagawa: Thank you, Mr. Rosa.

Mr. Rosa: He said that he should have gone straight home. You have to look at the plusses and minuses.

Committee Chair Kagawa: Okay. Thank you, Joe.

Mr. Rosa: Like as I said, look into this kind of thing with the word "club," and you need advertisements for tourists.

Committee Chair Kagawa: Joe, red light.

Mr. Rosa: If it is a restaurant, it is a restaurant. Let it be known and take away that sign. It is crazy. Thank you.

Committee Chair Kagawa: Thank you, Joe. Anybody else? Bruce.

BRUCE HART: For the record, Bruce Hart. All the time I get up here, I am sometimes frustrated trying to address an issue like this in three (3) minutes. That is why I wrote you the letter because it is impossible. I am not going to try and go over the issues that I covered in the letter. I would like to ask Council Chair Rapozo, if you could forward a copy of my letter to Administration to the Office of the Mayor.

(Councilmember Yukimura was noted as present.)

Mr. Hart: I would also like a copy of my letter given to the Office of the County Attorney. I addressed all of the issues that are of concern to me. One of the things I want to bring up is that I understand that this legislative body is concerned with the legal liabilities in regards to this issue. As a pastor, I am concerned with the moral responsibilities that this issue brings up, and that is where my primary concern is. Whenever I was serving at the Salvation Army Līhu'e Corps, under Major Mario Reyes, I was the Youth Pastor for the children that were from the age of fifteen (15) to nineteen (19), I can tell you that to deny that alcohol is a problem among our youth is to deny reality. Anyone, as I stated in my letter, that has raised children or worked with children who think that they are not influenced by their elders and their elders' actions, is to deny reality. We have a responsibility beyond just legal. We have a moral responsibility to our youth and I take that very seriously. I try to set an example.

Now, another issue that was raised is that I considered the issue of that drinking was occurring in the parks. Up until my appointment yesterday with Council Chair Rapozo, I was unaware that it was legal to drink in the County parks. It is not legal for underage children to do it. I have seen that and I have seen people drinking in the parks. I think that it ought to be illegal. I see the time is up and I cannot address everything. I have one other thing to say, I am not willing to wait around just because something has not happened yet and knock on wood, hoping that it will not. Thank you.

Committee Chair Kagawa: Does anybody else want to speak for the first time? Step right up.

KEN TAYLOR: Chair and Members of Council, Ken Taylor. I am opposed to Bill No. 2635, and I really have a problem with your later issue going into closed session on this item. I think any discussion of this Bill should be done in public and it is not a closed session item. I think the public is totally entitled to any discussion leading up to the adoption of this Bill. I just hope that you will do the right thing and deal with this in a public manner. Thank you.

Committee Chair Kagawa: Thank you. Anybody else wishing to speak for the first time? Second time?

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Committee Chair Kagawa: I am going to ask for a deferral, but before I do, does anyone have closing comments? Go ahead, Councilmember Chock.

Councilmember Chock: Just discussion for consideration, Committee Chair Kagawa. After today's discussion, I am considering an amendment. What this does is it has really opened up the door for us to assist the vendor, and thus far, I am supportive of it. However, I think that it may not be addressing the current issues. If we are really wanting to help the vendor, then what I am looking at is that we do limit it so we do not continue to allow what is already illegal or not supposed to be

happening on the course, and that is people bringing their own alcohol. If we can control that, then the vendor has more oversight over it and the ability to make the kind of income that they are saying that they need to make. So that is what I am addressing with just adding "provided that the person who purchased liquor from the golf course concession and the person is otherwise lawfully permitted to possess or consume the intoxicating liquor; possession and consumption of personal supply shall be unlawful." I just wanted to throw that out there. I understand that this is meant to be deferred for other reasons to look at the legal issues, but I will open it up for your consideration moving forward, Committee Chair Kagawa.

Committee Chair Kagawa: Thank you. Is there further discussion? My first year in office was in 2013 and there was no golf course concessionaire. I had several items in my Committee asking the Administration what they are doing with the concessions and when they were going to find a concessionaire? We had all of these major repairs to make, we have fixed it up, and now since we fixed it, we had two (2) vendors. The second one probably on his way out if we do not listen to them and see how we are going to keep a vendor there at the golf course, working and listening to them. You can pander all day about no alcohol here and there, well, the fact of the matter is alcohol is being consumed as it is. We have no Marshal there to monitor it and it has been pretty responsible. There were no incidents. Again, it is done at the parks and done at the Kua'i Memorial Convention Hall. With the golf course, we rely on having a golf shop concessionaire, otherwise, it is proved that we lost ten percent (10%) of our deficit, one hundred fifty thousand dollars (\$150,000) without having a food and beverage concessionaire. That is how much we lost. One hundred fifty thousand dollars (\$150,000) is a lot of money to me. It may not mean anything to you, but it means a lot to me. Again, it is just about trying to work out a solution so we do not have an empty restaurant concessionaire. It sounds like a lot of people are just against alcohol, period. They want to ban alcohol in the United States. Good. Try and get the votes for that. I agree with that at times, but the intention of this Bill is not to promote alcohol drinking. The Bill is trying to see how we can keep a restaurant concessionaire there so that we do not end up where we were the last time, telling the Administration why they are not listening to the concessionaires. Why are you not working with the concessionaires? Why do we lose them? Why can we not get a new one? We should work with the ones that we have. Are we going to go backwards because we failed to listen and work with the current vendors that we have. That is not me. I am proactive. I try to fix the problem when I hear the problem. I do not fix the problem after it is done. Is there any further discussion? Go ahead, Councilmember Kualii.

Councilmember Kualii: I just wanted to add one quick thing. I agree with your points, and I would say that I do see this as an economic development and a County facility revenue-generating issue. Yes, we are all concerned as a community about the prevention and reduction of underage drinking, but that is just a way bigger issue than what this Bill is working on. But it is an issue that we, as a community, have to work on. There is a great website called StopAlcoholAbuse.gov. There is a national report there and there is a section on Hawai'i that gives ideas and information about the prevention and reduction of underage drinking.

Committee Chair Kagawa: Councilmember Chock.

Councilmember Chock: I will just speak to that concern because it is an issue for me as we started to move into this. The statistics show that underage drinking happens primarily from being given it from a friend or a relative. That is issue that we suffer from. In some ways I feel like the question is, who is more responsible? In this case, we have a vendor who would have more oversight to know how much is going out and who is partaking in it. I think the real direction for me to consider is can we support our vendor and can we do it in a way that creates more responsibility on the course? I definitely think the Marshal is something that we need to consider. I certainly think we could look at indemnifying the County further, if need be. The vehicle laws question is an important concern. I also think that the vendor will also need to be creative at making sure that his establishment is successful. The last time I remember a successful or long-lasting vendor was when it was called the Fairway Restaurant years ago. I remember they opened for dinner. I think there are some creative things that need to be done, but certainly, the County should be getting a fair market rental price for the space that we are overseeing and paying for, and that is what the goal is for me. Thank you.

Committee Chair Kagawa: Councilmember Kaneshiro.

Councilmember Kaneshiro: I have golfed for a long time. I actually golfed in the County's summer program for three (3) or four (4) years in elementary school. There is drinking on all golf courses. I think as a kid, you see it, but I have not really seen it as a problem. You golf at a golf course, like Po'ipū Bay. They have the golf carts going around with alcohol and people would buy alcohol. I think for the most part, people are responsible. I have seen non-drinking people be very irresponsible also. We can go on the conversation of what happens, but it is really hard. The bottom-line is, is this going to improve the golf course? Is this going to improve the concessionaire? I think that is yet to be figured out. Is the concessionaire going to be willing to take on the additional liabilities? Is the County going to say, "We will fund the Marshal and have him do the enforcement on the golf course?" I think there is going to be a lot of wiggle room as far as how this actually all plays out. If I was the concessionaire, I do not know if I want the liability for the entire golf course with no Marshal on the golf course. In the end it is, is this going to benefit the golf course? Is this going to force us to get a Marshal? Is a Marshal on the golf course going to benefit the golf course? I think it would. You are going to have more eyes and ears out there. I think there are some legitimate questions about the liability and ultimately, will somebody be willing to take on that liability? Is the benefit of being able to sell alcohol along the course or to people that get off the 9th hole and want to buy a beer or a drink and then go to the 10th hole, and expanding their license premises? Is that going to be worth it for something and are they still willing to pay? I do not think they are paying that much. Obviously, we did not have anybody there and it was a tough sell to just get a concessionaire there in the first place. What is someone willing to pay to be there for that opportunity or to continue to be there? If our concessionaire goes out, I do not know how much lower we need to make the rent to get somebody there serving food. I think bottom-line, too, is responsibility. I do not think we would be having this conversation if people took responsibility for their own actions. A lot of times it is what if people do this or what if people do that? We need to be aware, but if people are just responsible for their own actions. Watch how much alcohol they consume on the course and be respectful of other golfers on the course, then we would not have issues at all. But I think a lot of times people do not take responsibilities

for themselves and then we get into this conversation of hypothetical questions on "okay, if somebody is not responsible and they do this, how do we save ourselves?" We can go over numerous scenarios. I think people take the responsibility to heart. I think the drinkers take it responsibly because if they drink and screw up, then they could be ruining it for everybody. They could be that one (1) bad apple that nobody wants to be. We will see how it goes. I think we had good conversation today and again, there are a lot of liability questions.

Committee Chair Kagawa: Council Chair Rapozo.

Council Chair Rapozo: Thank you. I think I share a lot of the concerns that has been expressed today on both sides of the issue. There is really no rush on this because this would not be retroactive and would not impact the existing concessionaire. I am not sure when the contract expires. I have no idea when it expires. I think it is something that we have to vet, especially the exposure and the liability because that is real. I think the moral issues are one that we have got to explore as well. Is that something that we would want to do? At this point, I am more concerned with the legal issues. I want to make sure that the Bill is legally sufficient and that it does not conflict with the existing State laws as it relates to operating a vehicle and what was the legislative intent with that law. Golf courses and bowling alleys get preferential treatment from the State Legislature. I do not know if people realize this, but you can legally gamble at a bowling alley or golf course in Hawai'i because it is a game of skill. So you get away from gambling. I think the reality is that we have more legislators at State Capitol that golf and bowl. We have to be very cautious that we do not want to set a precedent because remember, the rationale being used should it be that we are trying to support a vendor or a concessionaire, could easily be used by one of the Salt Pond vendors that are leasing from the County. They are renting space from the County and what happens when they come up and ask, "Hey, County..." What did I say?

Councilmember Yukimura: Salt Pond.

Council Chair Rapozo: Spouting Horn. I am sorry. Thank you, Councilmember Yukimura. What happens when they come up and say, "I really want to keep my space but I am having a rough time, so can I get a permit to sell booze at Spouting Horn?" How do we tell them no? I understand that the golf course environment is much different. It is traditional throughout the Country that when you go to a golf course, you can buy a beer. It happens everywhere. I really do not see any issues with our existing golf courses that serve alcohol. I do not know of any incidents that have occurred because of the sale of alcohol. But that is something that we have to really consider. I think it is important for the public to understand that this Bill will not authorize any concessionaire at the golf course, whoever it may be, to sell booze. They still would have to go through the Liquor Control Commission and would still have present their case. They would still have notify...I do not know who lives within that area except the jail. I do not know if they get notified. I do not know what the rules are, but they still have to go through that public process before the Liquor Control Commission would give them a permit to sell liquor on the golf course. This is really the enabling legislation, if you will, for the Liquor Control Commission to process applications from the concessionaire. There are a lot of things to digest. When Councilmember Kagawa approached me, I had no problem putting

this on the agenda because I think it is a discussion that we have to have. I think as we get through the legal questions, I think things will get a lot clearer for me anyway. So that is where I stand today, Committee Chair Kagawa.

I appreciate the deferral. Like I said, there is no rush. I think we need to vet all of these issues. What I am really interested is two (2) things. Number one really goes back to the original law today, and I think Mr. Hart had this question as well, why was it left out? Why was the ability to sell alcohol at Wailua Golf Course left out when this law was originally passed? The other question is why have all of the municipal courses in State have chosen not to allow this practice to happen? I would be interested to see it because I have to believe that, especially with City and County Honolulu, that this has to have been looked at. They have to have had some attorney's opinions or something. Honolulu is a big city. If anyone would move forward on something like this, I would believe that it would be City and County of Honolulu. I would be interested in that. We do have a Hawai'i State Association of Counties (HSAC) meeting coming up, and that is one (1) the discussions that we will have. Just out of curiosity, why has any other County not proceeded with this? Anyway, thank you for the deferral. I think it is a good one. We will continue the discussion in a couple of weeks.

Committee Chair Kagawa: Is there any further discussion?
Councilmember Yukimura.

Councilmember Yukimura: As long as there are sufficient controls, I do not see a problem enhancing the golf course, but I do think a larger issue looms with the Wailua Golf Course and that is the sustainability of it. There are many other issues that have to be looked at in terms of how we are going to sustain the golf course in perpetuity because we are not putting aside any reserves and we are not running this as a business. If something major happens, we have to draw on the General Fund. The dropping of the Marshal position was because we had to bring our budget under control. We are committing to one million two hundred thousand dollars (\$1,200,000) for an Adolescent Drug Treatment Center when we could not even get the ten million dollars (\$10,000,000) we needed to repair the roads each year. I think that is what we are going to have to look at overall in the long run because we cannot continue this way.

Committee Chair Kagawa: Is there any further discussion? I have one (1) closing thought. Part of the reason why I think KGA is trying to support it is that Dick Ueoka is a well-known, respected individual. He is the President of KGA and he supported it last week at the public hearing. But the reason why is because the Administration has been bouncing off increases to the local golfers, and they have brought up one dollar (\$1) a day, two dollars (\$2) a day, or three dollars (\$3) a day even though you have the monthly card, additional fees. Again, will I remind you that we just raised the monthly fees twenty dollars (\$20), from forty dollars (\$40) to sixty dollars (\$60). We just did that about three (3) or four (4) years ago. To answer Councilmember Yukimura's question about the golf course being sustainable and how we can sustain it, what other sport pays to play? What other sport pays to play? Do you have to pay when you play tennis? Do you have to pay when you use the beach parks? Why is it that only golf has to break even? No other sport has to break even. Baseball? Softball? Soccer? Men's soccer uses the lights. Again, this discussion

about golf is discriminating to golfers. What other sport pays and what other sport breaks even? Go ahead, Councilmember Yukimura.

Councilmember Yukimura: You raised good questions, and I think we have to look at how many people benefit from a one hundred (100) acre facility that is costing the County one million five hundred thousand dollars (\$1,500,000) who have the ability to pay and what kind of management can increase play?

(Councilmember Chock was noted as not present.)

Councilmember Yukimura: I am not talking about stopping the golf course. I am talking about how to sustain it and how you create reserves to keep it going into the future. I think all of the golfers and all of us have to be concerned about that because it is basically a good thing. It is an amazing asset to the County, but in terms of ability to pay, in terms of number of people who benefit, and comparing it to parks, we need parks for...how many people benefit? It is a source of recreation that a lot of people need. Families need it. It is not about discriminating. It is about trying to figure out how we do all of this as a County, responsibly.

Committee Chair Kagawa: I understand that. When you were the Mayor, we subsidized parks a lot as well. It may not have been one million dollars (\$1,000,000), but it was close to one million dollars (\$1,000,000).

Councilmember Yukimura: When I was Mayor...

Committee Chair Kagawa: Again, the rhetoric is just unbelievable.

Councilmember Yukimura: When I was Mayor, we were looking at how to expand the golf course...

Committee Chair Kagawa: You could have done something though.

Councilmember Yukimura: ...and create a huge stadium closed complex.

Committee Chair Kagawa: Thank you. With that, can I have a deferral to October 12th?

Councilmember Kaneshiro moved to defer Bill No. 2635 to the October 12, 2016 Public Works / Parks & Recreation Committee Meeting, seconded by Councilmember Kualii, and unanimously carried *(Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Chock was noted as silent (not present), but shall be recorded as an affirmative vote for the motion).*

Councilmember Kagawa: Motion carried. Next item, please.

The Committee proceeded on its agenda item, as shown in the following Committee Report, which is incorporated herein by reference:

CR-PWPR 2016-14: on PWPR 2016-13

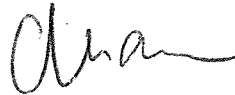
Communication (08/22/2016) from Committee Chair Kagawa, requesting the presence of the Acting County Engineer, to provide an update on the Puhi Road Construction Project.
(Received for the Record.)

(Note: The Committee was in recess from 10:16 a.m. to 10:29 a.m. during discussion on PWPR 2016-13.)

(Note: During discussion on PWPR 2016-13, Committee Chair Kagawa, the presiding officer, relinquished Chairmanship to Councilmember Kaneshiro.)

There being no further business, the meeting was adjourned at 11:06 a.m.

Respectfully submitted,



Allison S. Arakaki
Council Services Assistant I

APPROVED at the Committee Meeting held on October 12, 2016:



ROSS KAGAWA
Chair, PWPR Committee